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MARSHALL, GERSTEIN & BORUN LLP  
ATTORNEYS AT LAW  
6300 SEARS TOWER  
233 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606-6357  
(312) 474-6300  
FAX: (312) 474-0448

02/28/2005

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TO: Examiner H. Desai

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Trademark Office

703 872 9306

FROM: Russell C. Petersen

RE: 20022/38497A

PAGES (INCLUDING THIS PAGE): 6

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**FAX TRANSMISSION****DATE:** February 28, 2005**PTO IDENTIFIER:** Application Number 10/607,705  
Patent Number**Inventor:** Spatafora**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** MARSHALL, GERSTEIN & BORUN LLP

Russell C. Petersen

**PHONE:** (312) 474-6300**Attorney Dkt. #:** 20022/38497A**PAGES (Including Cover Sheets):** 5**CONTENTS:** Transmittal (1 page)  
Request to Withdraw Finality (2 pages)

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**MARSHALL, GERSTEIN & BORUN LLP**  
233 S. Wacker Drive, Suite 6300, Sears Tower, Chicago, Illinois 60606-6357  
**Telephone:** (312) 474-6300 **Facsimile:** (312) 474-0448

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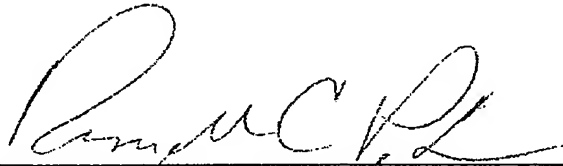
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General Transmittal (1 page)

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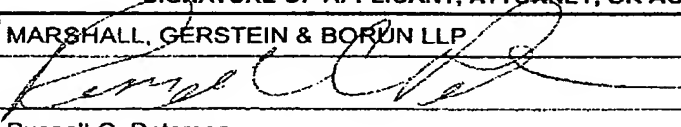
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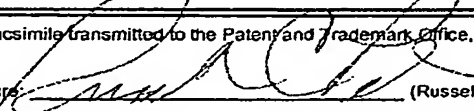
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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/607,705-Conf. #7916
	Filing Date	June 27, 2003
	First Named Inventor	Mario Spatafora
	Art Unit	3721
	Examiner Name	H. Desai
Total Number of Pages In This Submission	Attorney Docket Number	20022/38497A

ENCLOSURES (Check all that apply)		
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Firm Name	MARSHALL, GERSTEIN & BORUN LLP		
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Date	February 28, 2005	Reg. No.	53,457

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Docket No.: 20022/38497A  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Mario Spatafora

Application No.: 10/607,705

Confirmation No.: 7916

Filed: June 27, 2003

Art Unit: 3721

For: METHOD OF PRODUCING SOFT PACKETS  
OF CIGARETTES

Examiner: H. Desai

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**REQUEST TO WITHDRAW FINALITY OF REJECTION**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated December 28, 2004, finally rejecting claims 26, 28 and 33-39, the applicants request withdrawal of finality of the office action. Please consider the following comments. This response is filed within two months of the final action.

**Remarks/Arguments** begin on page 2 of this paper.